

PA-100

QUERY CONTROL FORM		RTIS USE ONLY	
Application No. <u>161038, 160</u>	Prepared by <u>JB</u>	Tracking Number <u>5993024</u>	
Examiner-GAU <u>FOX-1638</u>	Date <u>10/4/04</u>	Week Date <u>8/9/04</u>	
	No. of queries <u>1</u>	<u>re-use IFW</u>	

## JACKET

a. Serial No.	f. Foreign Priority	k. Print Claim(s)	p. PTO-1449
b. Applicant(s)	g. Disclaimer	l. Print Fig.	q. PTOL-85b
c. Continuing Data	h. Microfiche Appendix	m. Searched Column	r. Abstract
d. PCT	i. Title	n. PTO-270/328	s. Sheets/Figs
e. Domestic Priority	j. Claims Allowed	o. PTO-892	t. Other

## SPECIFICATION

- a. Page Missing
- b. Text Continuity
- c. Holes through Data
- d. Other Missing Text
- e. Illegible Text
- f. Duplicate Text
- g. Brief Description
- h. Sequence Listing
- i. Appendix
- j. Amendments
- k. Other

## CLAIMS

- a. Claim(s) Missing
- b. Improper Dependency
- c. Duplicate Numbers
- d. Incorrect Numbering
- e. Index Disagrees
- f. Punctuation
- g. Amendments
- h. Bracketing
- ☒ i. Missing Text
- j. Duplicate Text
- k. Other

## MESSAGE

Original claims 1, 9 and 55 are missing  
NCMB NOS. (See attached).

Please resolve.

Thank you  
initials JB

## RESPONSE

initials

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

- ✓  
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1. (CURRENTLY AMENDED) An inbred tomato seed designated 294 wherein a sample of said seed has been deposited under ~~ATCC Accession~~ NCIMB No. \_\_\_\_\_.
  2. (CURRENTLY AMENDED) A tomato plant, ~~or parts~~ or a part thereof, produced by growing the seed of claim 1.
  3. (ORIGINAL) Pollen of the plant of claim 2.
  4. (ORIGINAL) An ovule or ovules of the plant of claim 2.
  5. (CURRENTLY AMENDED) A tomato plant, ~~or parts~~ or a part thereof, having all of the physiological and morphological characteristics of the tomato plant of claim 2.
  6. (CANCELED)
  6. 7. (ORIGINAL) A tissue culture of regenerable cells of a tomato plant of claim 2.
  7. 8. (CURRENTLY AMENDED) The tissue culture of claim <sup>6</sup>7, selected from the group consisting of protoplast and calli, wherein the regenerable cells are derived from embryos, protoplasts, meristematic cells, callus, pollen, leaves, anthers, stems, petioles, roots, root tips, fruits, seeds, flowers, cotyledons, ~~hypocotyle~~ or hypocotyls.
  8. 8. (CURRENTLY AMENDED) A tomato plant regenerated from the tissue culture of claim <sup>6</sup>7, capable of expressing all the morphological and physiological characteristics of inbred tomato line 294, representative seeds having been deposited under ATCC number NCIMB No. \_\_\_\_\_.
  9. 10. (ORIGINAL) A method for producing a hybrid tomato seed comprising crossing a first inbred parent tomato plant with a second inbred parent tomato plant and harvesting the resultant hybrid tomato seed, wherein said first or second parent tomato plant is the tomato plant of claim 2.
- check  
list  
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Variety Description Information as determined at a 5% significance level when grown in the same environmental conditions

54. (NEW) A tomato plant produced by the method of claim 53, wherein the plant has the desired trait and the physiological and morphological characteristics of tomato line 294 listed in the Variety Description Information as determined at a 5% significance level when grown in the same environmental conditions.

24 55. (NEW) A hybrid tomato seed designated 294\*01D3144 having inbred line 294 as a parental line, representative seed of said hybrid having been deposited under NCIMB No. \_\_\_\_\_.

25 56. (NEW) A hybrid tomato plant produced by growing the hybrid tomato seed of claim 55.